

**REMARKS**

**I. FORMAL MATTERS**

Claims 1-16, 30-38 and 48-58 are currently pending in the application. Claims 1, 6, 11, 16, 30, 32, 37 and 52 are the only currently pending independent claims.

The Advisory Action mailed on January 9, 2009 indicates that Applicants' arguments filed on November 3, 2008 have failed to place the application in condition for allowance. Applicants respectfully request that the Response filed on November 3, 2008 be entered along with the instant Amendment and RCE.

**II. CLAIM AMENDMENTS**

Claims 1, 6, 11, 16, 30, 32, 37, and 52 are amended hereby.

No new matter is being added by these claim amendments. Support can be found throughout the specification and claims as originally filed.

**III. CLAIM REJECTIONS**

Claims 1-16, 30-38 and 48-58 are rejected under 35 U.S.C. §103(a) as being unpatentable over Koyanagi (US 7,265,402) in view of Hashimoto (US Pub. 2003/0123779). Applicants respectfully traverse the rejection.

The Office Action also alleges that it would have been obvious to modify the device of Koyanagi with the adhesive 36 of Hashimoto to achieve the adhering section of the present invention. Applicants respectfully disagree.

As noted above, independent claims 1, 6, 11, 16, 30, 32, 37, and 52 are amended hereby in order to more clearly identify what applicants consider as the invention. Each of the currently

amended claims now recite in relevant part that a “space is formed from said effective pixel region to said light transparent cover, and the adhering section is formed outside the effective pixel region in the one surface of the solid state image pickup device.” This means that the adhering section of the present invention does not cover all of the undersurface of the light-transparent cover. Neither Koyanagi nor Hashimoto nor any combination thereof discloses at least this feature of the present invention.

Regarding Koyanagi, Figure 2 of Koyanagi discloses an adhesive section 46 which is disposed within the image sensor 1. Moreover, the adhesive section 46 of Koyanagi merely adheres a single crystal Si plate 41 and quartz cap 51 inside of the image sensor 1. Therefore, Koyanagi does teach, suggest or render obvious that a “space is formed from said effective pixel region to said light transparent cover, and the adhering section is formed outside the effective pixel region in the one surface of the solid state image pickup device” as recited in the currently amended independent claims 1, 6, 11, 16, 30, 32, 37, and 52 of the present invention.

Regarding Hashimoto, an adhesive layer 36 (alleged adhering section) is formed on the plate 28. Then a cutter 38 cuts the plate 28 into a plurality of plates. Each of these cut plates 28 is a transparent substrate 32. During this process, the adhesive layer 36 is also cut because it adheres to the plate 28. See [0091], Fig. 3A, 3B of Hashimoto. The transparent substrate 32 with the adhesive layer 36 constitutes the second substrate. The second substrate having the transparent substrate 32 at the upper side and the adhesive layer 36 at the lower side, is attached on a first substrate 10 having optical section 14. See [0093] of Hashimoto. Thus, the adhesive layer 36 covers all of the undersurface of the transparent substrate 32 and is filled from the undersurface of the transparent substrate 32 to the optical section 14. See Figs. 1A, 4A-5A, 6A-6C, 7B, and 8-10 of Hashimoto. Therefore, Hashimoto fails to cure the deficiencies of Koyanagi, and the combination of Koyanagi in view of Hashimoto does not disclose that a space is formed

from the effective pixel region to a surface of the light transparent cover as recited by currently amended independent claims 1, 6, 11, 16, 30, 32, 37, and 52 of the present invention.

In view of the above arguments, Applicants submit that the Office Action fails to establish a *prima facie* case of obviousness at least with respect to the aforementioned “adhering section” of each of the independent claims 1, 6, 11, 16, 30, 32, 37 and 52. Therefore, Applicants request withdrawal of the 35 U.S.C. §103(a) rejection of independent claims 1, 6, 11, 16, 30, 32, 37 and 52 and claims 2-5, 7-10, 12-15, 31, 33-36, 38, 48-51 and 53-58 which depend therefrom.

**CONCLUSION**

For the foregoing reasons, and in view of the amendments above, Applicants believe all pending claims (i.e., claims 1-16, 30-38, 48-58) are in condition for allowance and hereby request allowance.

This response is being electronically filed the first business day following the six-month response date of Sunday, February 1, 2009. Thus, Applicants submit that the application is still properly pending and submit herewith a request for a three-month extension of time. The Office is authorized to charge Deposit Account No. **04-1105** for this and another other fees necessary to have this and the Amendment filed on November 3, 2008 entered and considered.

Dated: February 2, 2009

Respectfully submitted,

Customer No. 21874

By: /William J. Daley/  
William J. Daley  
Registration No.: 35,487  
David G. Conlin  
Registration No.: 27,026  
EDWARDS ANGELL PALMER & DODGE LLP  
P.O. Box 55874  
Boston, Massachusetts 02205  
(617) 439-4444517-5567  
Attorneys/Agents For Applicant